



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/898,573 | 07/03/2001 | Charles E. Reddick | 36968-259627 | 2886 |

36192 7590 12/21/2004

CANTOR COLBURN LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

EXAMINER

VO, TED T

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2122

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,573

Applicant(s)

REDDICK ET AL.

Examiner

Ted T. Vo

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08). Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 07/28/2004.

Claims 1-34 are canceled. The rejection under 35 USC 101 to Claims 1-34 is withdrawn due to this cancellation.

Claims 35-52 remain pending in this application.

Response to Arguments

2. Rogers, "Portage™ Wireless Connectivity, Quick Start Guide", discloses the guide that provides to a user or a service technician the steps to establish a connection between mobile computers such as Windows CE device (Page 49) and a network. The Guide that is provided in the CE Windows instructs the user/service technician to download the software to such a computer (page 65). Rogers discloses connections among mobile devices using data transfer cables. At the time of the prior-art's disclosure, data transfer/download between two connected devices such as computer-to-computer, computer to an external storage memory, computer to a connected memory device, is used very common. A basic guiding such as "send to", "save", or "save as" in a computer window is available in such a window (such as CE windows, Microsoft Windows 95, etc).

However, Applicants argued that Rogers discloses no teaching "transfer from the mobile computer to telecommunications equipment" and Applicants argued that the obviousness given in the prior office action can be only established by combining or modifying when the suggestion should be found either in the reference themselves or in the knowledge generally available to one or ordinary in the art. Such Applicant's arguments with respect to Claims 35-52 are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35-52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al., PCT No. WO 9939488 A1, "Communication System for Mobile Data transfer", in view of www.Rogers.com, "Portage™ Wireless Connectivity, Quick Start Guide (hereafter: Rogers), 10-2000.

Given the broadest reasonable interpretation of followed claims in light of the specification:

As per claim 35: Flynn discloses

A method of using computerized guide system for transferring a software program from a server in a network to telecommunications equipment in a remote location (Flynn: page 2, lines 21-28, "a set of protocol") using a mobile computer (Flynn: Figure 6, Reference number 48), comprising:

loading an updated version of a software program on the network server (Flynn: Figure 6, referring Reference number 25, where the software program is downloaded from);

[providing the guide adapted for independent use by a technician having self-guide instructions for accessing the software program on the network server, downloading the software program from the network server to the mobile computer],

Art Unit: 2122

connecting the mobile computer to the telecommunications equipment, accessing the software program downloaded onto the mobile computer, and transferring the software program from the mobile computer (Flynn: Figure 6, and see page 13, lines 9-27); and

[following the instructions on the guide to access the software program on the network server, download the software program from the network server to the mobile computer],

connect the mobile computer to the telecommunications equipment, access the software program downloaded onto the mobile computer, and transfer the software program from the mobile computer to the telecommunications equipment (Flynn: Figure 6, referring Reference number 49, where the connection is established by terminal module 48 ('mobile computer') and application module 45, 46, or 47 ('communications equipment')).

Flynn does not clearly teach the "guide" shown by the limitations within the square brackets above.

Rogers discloses,

"providing the guide adapted for independent use by a technician having self-guide instructions for accessing the software program on the network server, downloading the software program from the network server to the mobile computer,

[connecting the mobile computer to the telecommunications equipment, accessing the software program downloaded onto the mobile computer, and transferring the software program from the mobile computer]; and

following the instructions on the guide to access the software program on the network server, download the software program from the network server to the mobile computer" (The Guide shown by Rogers is the reference itself (see whole reference) and/or the Online Guide in CE windows (See reference started at page 50), which is accessible via internet. The Guide consists of the instructions and figures readable in text format. Therefore, all users or service technicians who have the similar device installed with a window can use this guide to download or transfer Software online (at the same time) via connections).

Art Unit: 2122

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings, the details in the Guide in the teaching of Rogers and the basic guide (Flynn: Client FTP) in the File Transfer Protocol as taught by Flynn.

Doing so would conform to a standard of guidance that includes texts and guiding instructions written by a technical writer (i.e. it looks like when selling a device it is always included with guiding instructions/booklets for how to use the device), and thus, with the online guide, it would instruct a person who has less technical knowledge could do basic things, thus it has no need for providing costly training.

As per Claim 36: In further view of *telecommunications equipment* as taught by Flynn

Rogers further discloses "*wherein instructions for accessing, downloading, and transferring the software program from the network server re accessible at a plurality of locations at the same time to a plurality of technicians servicing the telecommunications equipment*", because instructions are provided online. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine this teaching with the teaching of connecting *telecommunications equipment* as taught by Flynn. Doing so would take advantage of networks and thus allow software to be accessible at many different locations, and thus, no need to bring equipments back and forth.

With regards to limitations of Claims 37-41, in further view of Flynn:

As per Claim 37: Regarding the guiding means, Rogers further discloses, "*wherein at least one set of instructions further comprises a display of an icon*" (see page 27, second and third paragraph, "www.palmn.com", this web site provides source of software for downloading, furthermore, "Icons" are common used by a website for graphically indicating its type of software. For example, step 3, page 53, shows icons for indicating types of software used in the CE window).

As per Claim 38: Regarding the guiding means, Rogers discloses, "*wherein the icon is associated with the software program and the at least one set of instructions further comprises a description of the software program associated with the icon*", in the CE window.

As per Claim 39: Regarding the guiding means, Rogers discloses, *wherein the guide comprises a printed guide*" (The reference is a printed guide)

As per Claim 40: Regarding the guiding means, Rogers discloses, "*wherein the guide comprises an on-line guide*" (see page 3, Web Acceleration).

As per Claim 41: Rogers discloses, "*wherein providing the guide further comprises providing an online guide and wherein after followings the instructions in the printed guide the method further comprises following the instruction in the on-line guide only* (The reference is printed guide, and it mentions internet guide by using network connections).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include these teachings of Rogers, with the teaching of connecting *telecommunications equipment* as taught by Flynn. Doing so would conform to a guiding standard, thus have no need for providing costly training.

With regards to limitations of Claims 42-49, Flynn further discloses:

As per Claim 42: Regarding the basic guide, Flynn further discloses "*sending an electronic mail message to each mobile computer in the network when the update version of the software program is available on the server*" (Flynn: See network in Figure 4 or 6 since network has means of sending electronic mail message).

As per Claim 43: Regarding the basic guide, Flynn further discloses, "*loading an updated version of software program on the network server further comprises loading the updated version of the software program for each of a plurality of equipment in use in a telecommunications system*" (Flynn: See Figure 6).

As per Claim 44: Regarding the basic guide, Flynn further discloses, "*comprise instructions for accessing software programs for the telecommunications equipment of a plurality of vendors* (Flynn: See Figure 6: Numeral references 45, 46, 47: 'vendors'; See page 2, line 26, FTP: 'accessing software programs').

As per Claim 45: Regarding the basic guide, Flynn further discloses, "*wherein the telecommunications equipment comprises a multiplexer*" (Flynn: See Figure 6, multi-connection to devices 45, 46, and 47).

Art Unit: 2122

As per Claim 46: Regarding the basic guide, Flynn further discloses, "*software program comprises a digital loop electronic software program*" (Flynn: See page 9, lines 1-7, a plurality of separate application modules: '*a digital loop electronics software program*').

As per Claim 47: Regarding the basic guide, Flynn further discloses, "*wherein the software program comprises a testing software program*" (Flynn: See page 9, lines 1-7, a plurality of separate application modules: '*a testing software program*')

As per Claim 48: Regarding the basic guide, Flynn further discloses, "*wherein the instructions for accessing a software program on the server further comprise instructions for accessing and using software programs for mobile computer tools*" (Flynn: See page 2, line 26, FTP: '*instructions for accessing software programs*'. Note following the FTP, a user can select (Page 9, lines 1-7) a plurality of separate application modules: '*for accessing and using software programs for mobile computer tools*')

As per Claim 49: Regarding the basic guide, Flynn further discloses, "*wherein the instructions for accessing a software program on the server further comprise instructions for accessing and using software programs for servicing radio functions on mobile computers*" (Flynn: See page 2, line 26, FTP: '*instructions for accessing software programs*'. Note following the FTP, a user can select (Page 9, lines 1-7) a plurality of separate application modules: '*for accessing and using software programs for servicing radio functions on mobile computers*').

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include these teachings of Flynn and the Guide of Rogers.

Doing so would conform to a standard of guidance that includes texts and instructions (i.e. it looks like when selling a device it is always included with guiding instructions/booklets for how to use the device), and thus, with the online guide, it would instruct a person who has less technical knowledge could do basic things, thus it has no need for providing costly training.

As per Claim 51: Claim 51 recites a method that has claimed functionality corresponding to claimed limitation of Claim 35. Therefore, Claim 51 is rejected in the same reason set forth in connecting to the rejection of Claim 35.

Art Unit: 2122

As per Claim 52: Claim 52 recites a method that has claimed functionality corresponding to claimed limitation of Claim 45. Therefore, Claim 52 is rejected in the same reason set forth in connecting to the rejection of Claim 45.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TED T. VO

TTV
Art Unit: 2122
December 6, 2004